

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. MJ 18- 513
Plaintiff,)
v.) DETENTION ORDER
HECTOR PAYAN-CRUZ,)
Defendant.)
_____)

Offenses charged:

Count 1 - Conspiracy to Distribute Heroin, 100+ grams

Count 2 – Conspiracy to Distribute Heroin, 100+ grams

Count 3 – Possession of Heroin with Intent to Distribute, 100+ grams

Date of Detention Hearing: November 2, 2018

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Defendant did not consent to be interviewed by the Pretrial Services Office. This limited the information available to the court as to his background and his eligibility for release.
- (2) Upon advice of his counsel, defendant stipulated to the entry of an Order of Detention.
- (3) The Complaint charges drug offenses, each of which carries a maximum penalty in excess of ten years. This creates a rebuttable presumption of detention, both for dangerousness and flight risk. Defendant offered nothing to rebut that presumption.
- (4) Defendant was born in Mexico, and is a Mexican citizen. The legality of his status in the United States is unknown.
- (5) Defendant failed to appear for a hearing in King County Superior Court earlier this year. That court issued a bench warrant, which is still outstanding.
- (6) He has at least two different aliases, and two different dates of birth.
- (7) The court concurs in the recommendation of the Pretrial Services Office that defendant be detained.

01 It is therefore ORDERED:

- 02 1. Defendant shall be detained pending trial and committed to the custody of the
03 Attorney General for confinement in a correction facility separate, to the extent
04 practicable, from persons awaiting or serving sentences or being held in custody
05 pending appeal;
- 06 2. Defendant shall be afforded reasonable opportunity for private consultation with
07 counsel;
- 08 3. On order of the United States or on request of an attorney for the Government, the
09 person in charge of the corrections facility in which defendant is confined shall deliver
10 the defendant to a United States Marshal for the purpose of an appearance in
11 connection with a court proceeding; and
- 12 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
13 for the defendant, to the United States Marshal, and to the United State Pretrial
14 Services Officer.

15 DATED this 2nd day of November 2018.

16
17 s/ John L. Weinberg
United States Magistrate Judge